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14 Attorneys for Defendant
15 Robert Kahre

12 UNITED STATES DISTRICT COURT
13 FOR THE DISTRICT OF NEVADA

14 UNITED STATES OF AMERICA,) Case No. CR-S-05-0121-DAE(RJJ)
)
15 Plaintiff,)
) DEFENDANT ROBERT KAHRE'S
16 v.) PROPOSED THEORY OF THE CASE
) JURY INSTRUCTION
17)
18 ROBERT DAVID KAHRE, et al.,)
)
19 Defendants.)
)
20)

21 **CERTIFICATION:** This Theory-of-The-Case Instruction is timely filed.

22 Defendant Robert Kahre, by and through counsel undersigned, respectfully submits the
23 following theory-of-the-case instruction:
24

25 First, when a litigating party resorts to falsehood or other fraud in trying to establish a
26 position, the trier of fact may conclude the position to be without merit and that the relevant
27 facts are contrary to those asserted by the party. Second, where a party withholds or seeks
28 to suppress relevant evidence within its control, the trier of fact may conclude that such

1 evidence would be harmful to the party's cause.

2 GIVEN: _____

3 DENIED: _____

4 MODIFIED: _____

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6 2 Wigmore, Evidence §278 [Chadbourn rev. 1979] at 133; *Interstate Circuit, Inc. v. United States*,
7 306 U.S. 208, 225-226 (1939); *U.S. v. Philatelic Leasing, Ltd.*, 601 F.Supp. 1554, 1565 (S.D.N.Y.
1985), *affirmed*, 794 F.2D 781 (2nd Cir. 1986).

8 RESPECTFULLY SUBMITTED this 9th day of August, 2009.

9 WILLIAM A. COHAN, P.C.

10 BY: /s/ William A. Cohan
11 WILLIAM A. COHAN

12 LAW OFFICE OF LISA RASMUSSEN

13 BY: /s/ Lisa Rasmussen
14 LISA RASMUSSEN

15 Attorneys for Defendant ROBERT KAHRE

16
17 **CERTIFICATE OF SERVICE**

18 I hereby certify that on this 9th day of August, 2009, by filing electronically, I did serve the
19 foregoing Defendant Robert Kahre's Proposed Theory Of The Case Jury Instruction, via the
20 CM/ECF system on the following counsel:

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For Defendant Danielle Cline:
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/s/ Sharon Standley
Sharon Standley, Legal Assistant